



Atty. Dkt. No. 081356-0223

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Ryoichi KIYAMA *et al.*  
Title: USE OF KIAA0172 GENE IN TREATMENT  
AND DIAGNOSIS OF DISEASES AS WELL  
AS IN PHARMACEUTICAL  
DEVELOPMENT  
Appl. No.: 10/509,738  
International Filing Date: 07/26/2002  
371(c) Date: 05/18/2005  
Examiner: Sean E.Aeder  
Art Unit: 1642  
Confirmation Number: 3134

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in an Office Action mailed May 10, 2006, applicants provisionally elects Group I claims 1 and 5, both of which recite a KIAA0172 gene-encoded polypeptide.

**This election is made with traverse**, on grounds elaborated in the remarks below. Subject to the examiner's acceptance of these grounds and his resultant consideration, with the Group I claims, of others that include claims 13 – 18 (see action at page 4, second paragraph), applicants also elect the species characterized by:

- (i) a mutation from CGT to CAT at the 509<sup>th</sup> codon (claims 13-16); and
- (ii) a C/T polymorphism site for the third nucleotide of codon number 453 (claims 17 and 18).